IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

Crl.Rev.Pet.No. 48 of 2000()

CC.759/1995 of JUDL.MAGISTRATE OF FIRST CLASS, VADAKARA
CRA.101/1998 of SESSIONS COURT, KOZHIKOE DT.18.8.1999

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REVN. PETITIONER: APPELLANT/ ACCUSED

PAVITHRAN, SON OF VASU,
NAVATH HOUSE CHERODE,
VADAKARA, KOZHIKODE

BY ADV. SRI.V.G.ARUN

RESPONDENTS: RESPONDENT COMPLAINANT

STATE OF KERALA, REP.BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P. NO. 48 of 2000

Dated this the 11th day of June, 2007

ORDER

The revision petitioner stands convicted for the offences under sections 279 and 337 IPC on the allegation that on 3-6-95 at 6 p.m., while PW-1 was walking through the side of Paloli National Highway, the autorikshaw driven by the revision petitioner i.e. KL-10-B-674 came from the back and hit him.

2. The evidence adduced in the matter consisted of the testimony of PWs.1 to 8 and Exts.P1 to P4. The appellate court reduced the sentence to simple imprisonment for three months for the offences under sections 279 and 337 IPC.

3. The only contention raised by the counsel for the revision petitioner is the belated registering of the FIR. I find that the would certificate is dated 3-6-95, the date of the incident. In the circumstances, I find no reason to deviate from the findings of the courts below.

4. Counsel for the revision petitioner has pleaded for leniency pointing out that the incident has taken place in 1995 and that more than 10 years have elapsed. So far, the revision petitioner has

been facing criminal proceedings. It is also pointed out that PW-1 sustained only very minor injuries.

5. In the circumstances, the sentence for the offence under section 279 IPC is modified to pay a fine of Rs.1000/-(one thousand only) and in default to undergo simple imprisonment for 15 days. For the offence under section 337 IPC, the sentence is modified to pay a fine of Rs.500/- (five hundred only) and in default, to undergo simple imprisonment for 7 days.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

Kvm/